



**Sensient Technologies Corporation**

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**Electronic Submission (<http://dms.dot.gov>)**

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Dockets Management System  
U.S. Department of Transportation  
400 Seventh Street, SW  
Room PL401  
Washington, DC 20590

RE: Docket Number RSPA-2002-13658 (HM-215E)  
“Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization’s Technical Instructions.” Notice of Proposed Rulemaking. 67 *Federal Register* 72033-72085. 3 December 2002.

Dear Sir or Madam:

Sensient Technologies Corporation (“Sensient”), a Milwaukee, Wisconsin-based manufacturer and marketer of colors, flavors and specialty chemicals with 15 United States manufacturing locations, appreciates the opportunity to comment on the Department’s proposed regulations. Our comments are set forth below:

1. 49 CFR § 171.7: Sensient supports the Research and Special Programs Administration’s (RSPA’s) proposal to incorporate the latest versions of the UN Recommendations, ICAO Technical Instructions, and the IMDG Code. This will eliminate confusion for shippers and transporters.
2. 49 CFR §171.14: Sensient supports the RSPA’s proposal to allow shippers and transporters until 1 October 2004 to meet the new requirements. We also fully support the Administration’s proposal to allow shippers and transporters to begin complying with the new requirements as early as 1 January 2003 as discussed on p. 72035. However, the ability to comply with the new requirements on 1 January 2003 is not listed in the proposed rule language. Sensient urges the Administration to do so to eliminate any confusion.
3. 49 CFR §172.202(a)(2): Sensient supports the RSPA’s proposal to require that the subsidiary hazard class or subsidiary division number be listed in parentheses behind the primary hazard class or division number. We agree that this will better align US requirements with the international standards and improve the safety of shipments.

4. 49 CFR § 172.202(b): As discussed above, Sensient supports the RSPA's moves to harmonize the HMR with the international standards. We feel that it is appropriate to allow the alternative order for the basic description on the shipping papers for shipments to, from, and within the U.S. However, Sensient strongly urges the RSPA not to make the change mandatory. This would lead to unnecessary confusion within the shipping departments. We fail to see any safety advantage from the alternative order.
5. 49 CFR § 172.323: Sensient is concerned that the requirement to add the "Air Eligible" mark will create a large burden on our shipping departments without a commensurate increase in transportation safety. Because the mark is meant to signify that all aspects of the package are acceptable for air transportation (i.e. marking, package construction, etc.), our understanding is that it is not possible for the package manufacturer to apply the mark. It will therefore fall onto the shipping departments. Given all the markings that are already required on the packages, each additional mark only increases the complexity and the risk for errors. In some of Sensient's shipping departments, it will necessitate a major rework of the packaging procedures. For example, some of Sensient's facilities have shipping personnel collect the packages for a shipment and shrink-wrap them. After this, another employee prepares the shipping papers. If the shipping papers indicate that the order is being transported via air, the employee would have to remove the shrink-wrap to add the "Air Eligible" marks and re-wrap the shipment.

Sensient appreciates the opportunity to comment on the Administration's proposal. Please don't hesitate to contact me at (908) 769-3320 to discuss this further.

Sincerely,

Alan Bahl  
EHS Manager – North America